

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

MICHAEL D. HILL,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO.
)	
AMERICAN MITSUBA CORPORATION,)	
)	
Defendant.)	

COMPLAINT

Plaintiff, by counsel, alleges against the Defendant:

1. The Plaintiff Michael D. Hill is an African-American/black male who filed a Charge of Discrimination No. 470-2018-02481 with the Equal Employment Opportunity Commission (“EEOC”) on or about April 23, 2018, a copy of which is attached hereto, made apart hereof, and incorporated herein as Exhibit A. The EEOC issued a Notice of Rights to Sue on or about September 11, 2018 (Exhibit B), and this Complaint has been filed within ninety days after receipt thereof.

2. Defendant American Mitsuba Corporation is a business authorized to transact business in the state of Indiana and does so at 21600 Monroeville Road, Monroeville, IN 46773. Defendant is an “employer” for purposes of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 *e et. seq.* (“Title VII”). The Resident Agent of Defendant American Mitsuba Corporation is CT Corporation System, 150 West Market Street, Suite 800, Indianapolis, IN 46204.

3. Pursuant to 42 U.S.C. § 1981, Defendant is required to treat minorities the same as Caucasians with respect to the contractual benefits of at-will employment and is required to treat minorities the same with respect to the terms, conditions, benefits, and privileges of employment

as similarly situated Caucasians. Plaintiff claims herein that Defendant violated his rights under § 1981 by discriminating against the Plaintiff with respect to these contractual benefits, and by harassing the Plaintiff and retaliating against the Plaintiff as set forth in Charge No. 470-2018-02481, attached as Exhibit A.

4. Plaintiff was exposed to a hostile work environment based upon race and color (African-American/black). Attached as Exhibit A to the Charge of Discrimination is a photograph of a noose which was left for the Plaintiff and which was designed to remind Plaintiff of the racist “lynchings” that occurred in the “South” (and Indiana) and which were intended to be a symbol of racial hatred.

5. Plaintiff reported what he believed to be race discrimination and a racially hostile work Environment. Around January 30, 2018, Plaintiff complained about a white co-worker getting into Plaintiff’s personal space. Defendant merely suspended the offending white co-worker but then eventually terminated the Plaintiff (who is black), who had worked at Defendant for four years and who had never been written up or suspended. The termination of the Plaintiff was the product of racism and retaliation.

6. Plaintiff, an African-American/black male, was the victim of disparate treatment when a similarly situated white co-worker (the one who instigated the altercation) was merely suspended but Plaintiff (who was black) was terminated.

7. The actions of the Defendant in discriminating against the Plaintiff, subjecting Plaintiff to a hostile work environment, and retaliating the Plaintiff were intentional and in reckless disregard of Plaintiff’s federally protected civil rights under Title VII and § 1981, entitling Plaintiff to punitive damages as well as entitling Plaintiff to compensatory damages for back pay, front pay,

emotional distress, mental anguish, humiliation, embarrassment, and other damages and injuries.

WHEREFORE, Plaintiff prays for judgment against the Defendant, for pecuniary damages, compensatory damages, punitive damages, reasonable attorneys fees and costs, and for all other just and proper relief in the premises.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

CHRISTOPHER C. MYERS & ASSOCIATES

/s/ Christopher C. Myers

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